

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 3 and 16 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 1-17 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,438,704 of *Harris et al.* ("*Harris*").

The Examiner has rejected claims 3 and 16 under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has argued that the recitation of "denying the subsequent request if the grand total allocation of the resource is above a low watermark" in claim 3 and "denies the subsequent request if the grand total allocation of the resource is above a low watermark" in claim 16 should be "above a high watermark." Applicant submits that the cited language in claims 3 and 16 is correct and in accordance with the reduction mode recited in claims 3 and 16 and depicted in Figure 3 of applicant's specification. The Examiner has stated that claim 16 is missing the word "if" and applicants have amended claim 16 to correct this error.

The Examiner has rejected claims 1-17 under 35 U.S.C. §102(e) as being unpatentable over *Harris*. Applicant respectfully submits however that amended claim 1 is not anticipated by *Harris*. Amended claim 1 is a method for flexible allocation of a resource that includes the limitations

associating a soft limit and a hard limit to a potential user of the resource wherein the soft limit guarantees access to the resource by the potential user and the hard limit enables the potential user to exceed the soft limit on a first-come-first-served basis;
obtaining a request for allocation of a portion of the resource for the potential user;
granting the request if the request if allowed would not exceed the soft limit of the potential user;
denying the request if the request if allowed would

exceed the hard limit of the potential user;
denying the request if the request if allowed would
cause a grand total allocation of the resource to exceed
a high watermark assigned to the resource and granting
the request otherwise.

(Amended claim 1) (emphasis added).

Harris does not disclose assigning a user both a soft
limit and a hard limit for use in resource allocation as
claimed in amended claim 1. Instead, *Harris* teaches assigning
a soft limit or a hard limit to a user rather than both a soft
limit and hard limit as claimed in amended claim 1. For
example, *Harris* states that

For each user there is also a specified "soft limit",
"hard limit" or "no limit".

(*Harris*, col. 8, lines 37-39) (emphasis added and original).

Furthermore, *Harris* refers to users as "soft limit users" or
"hard limit users" and teaches that soft limit users are
treated differently from hard limit users. (*Harris*, col. 8,
lines 43-65).

In further contrast, amended claim 1 includes granting a
request for a user if a soft limit for the user is exceeded
but not a hard limit for the user or a high watermark for the
resource. *Harris* does not grant a request if a soft limit for
a user is exceeded but not a hard limit for the user or a high
watermark. As noted above, *Harris* does not allocate both a
soft and hard limit to a user. Instead, *Harris* grants a
request when a user's soft limit is exceeded only if the
limits other users have not been reached. For example, *Harris*
teaches that

When any soft limit user reaches its soft limit, no
further allocation is made to this soft limit user if any
other soft limit user has yet to reach its soft limit or
any other hard limit user has yet to reach its hard
limit...

(*Harris*, col. 8, lines 45-48) (emphasis added). In contrast, a
method according to amended claim 1 grants an exceeded soft
limit if a hard limit for that same user is not exceeded or a
high watermark is not reached.

It is therefore respectfully submitted that the method of

amended claim 1 that allocates a resource using both soft and hard limits for a user is not anticipated by the system of *Harris* that allocates a resource using either a soft limit or a hard limit for a user.

Given that claims 2-10 depend from amended claim 1, it is submitted that claims 2-10 are not anticipated by *Harris*.

It is further submitted that claim 11 is not anticipated by *Harris*. Claim 11 is a computer system that includes limitations similar to the limitations of amended claim 1 including resource allocation parameters for a resource that include a hard limit and a soft limit for a potential user of the resource. Therefore, the remarks stated above with respect to amended claim 1 also apply to claim 11.

Given that claims 12-17 depend from amended claim 11, it is submitted that claims 12-17 are not anticipated by *Harris*.

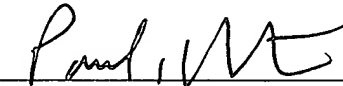
It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 2-20-04

By: _____



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